

In the United States Court of Federal Claims

**ORIGINAL**

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OFFICE OF SPECIAL MASTERS

No. 05-883V

Filed: October 23, 2006

Not to be published

**FILED**

OCT 23 2006

CSM  
U.S. COURT OF  
FEDERAL CLAIMS

ELIZABETH CARRIER,

Petitioner,

v.

Stipulation for compensation

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

**DECISION**<sup>1</sup>

Petitioner, Elizabeth Carrier, filed this action alleging that she has suffered certain injuries as a result of receiving a vaccination. She seeks an award under the National Vaccine Injury Compensation Program<sup>2</sup> (the Act or the Program). 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003).

On October 6, 2006, counsel for both parties filed a stipulation, stating that a decision should be entered granting compensation. In particular, the parties stipulated that petitioner shall receive the following compensation:

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<sup>1</sup> In accordance with Vaccine Rule 18(b), when a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure. Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b).

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

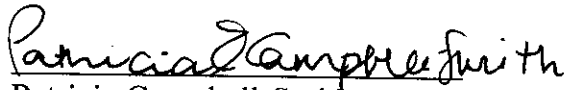
A lump sum of \$ 75,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

Stipulation ¶ 8(a).

I have reviewed the filings in this case, and, based on my review, I conclude that the parties' stipulation appears to be an appropriate one. Accordingly, a Program award shall be made to petitioner in the amount of \$ 75,000.00.

Under the statute governing the Program, and pursuant to the Vaccine Rules of the United States Court of Federal Claims (Vaccine Rules), the undersigned now enters a decision endorsing the filed stipulation. The Clerk of the Court shall enter judgment to authorize payment of the award. See § 300aa-12(d)(3)(A) and (e)(3); § 300aa-13(a); Vaccine Rules 10(a), 11(a).<sup>3</sup>

In the absence of a timely-filed motion for review of this decision, the clerk shall enter judgment in accordance with the terms of the parties' stipulation.<sup>4</sup>

  
Patricia Campbell-Smith  
Special Master

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<sup>3</sup>The "Vaccine Rules of the United States Court of Federal Claims" are found in Appendix B of the Rules of the United States Court of Federal Claims.

<sup>4</sup>Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

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U.S. COURT OF  
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ELIZABETH CARRIER,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

No. 05-883V

Special Master

Patricia E. Campbell-Smith

STIPULATION

The parties hereby stipulate to the following:

1. Petitioner filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to -34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to petitioner's receipt of the influenza vaccine, a vaccine contained in the Vaccine Injury Table (the "Table"). See 70 Fed. Reg. 19,092 (April 12, 2005).

2. Petitioner received an influenza immunization on November 20, 2001.

3. The vaccine was administered within the United States or its trust territories.

4. Petitioner alleges she sustained an autonomic neuropathy and Guillain-Barré Syndrome ("GBS") caused in fact by her November 20, 2001, influenza immunization.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

6. Respondent denies that petitioner suffered an autonomic neuropathy, GBS, or any other condition, caused by her influenza vaccination.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

a. A lump sum of \$75,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application for attorneys' fees and costs, the parties will submit to further proceedings before the

special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Payments made pursuant to paragraph 8, and any payment made pursuant to paragraph 9 of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

11. In return for the payment described in paragraph 8, and any payment made pursuant to paragraph 9, petitioner, and her heirs, executors, administrators, successors or assigns, does forever and fully expressly release, acquit and discharge the Secretary of Health and Human Services and the United States of America from any and all actions, causes of action, agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature on account of, or in any way growing out of, any and all known or unknown personal injuries to or death of petitioner resulting from, or alleged to have resulted from, the influenza vaccination administered on November 20, 2001, as alleged by petitioner in a petition for vaccine compensation filed on or about August 15, 2005 in the United States Court of Federal Claims as petition No. 05-883V.

12. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation, or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this

Stipulation, then the parties' settlement and this Stipulation shall be null and void at the sole discretion of either party.

13. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to.

14. All rights and obligations of petitioner hereunder shall apply equally to her successors and assigns.

END OF STIPULATION

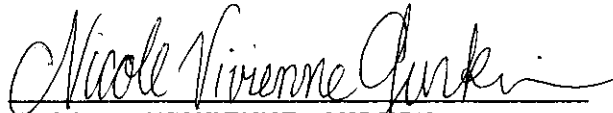
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Respectfully submitted,

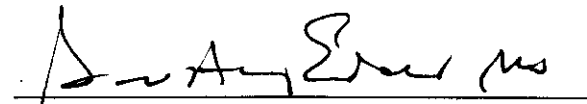
**PETITIONER:**

  
ELIZABETH CARRIER


**COUNSEL OF RECORD FOR  
PETITIONER:**

  
NICOLE VIVIENNE GURKIN  
Douglas & London, P.C.  
111 John Street, Suite 1400  
New York, New York 10038  
(212) 566-7500


**AUTHORIZED REPRESENTATIVE OF  
THE SECRETARY OF HEALTH AND  
HUMAN SERVICES:**

  
GEOFFREY EVANS, M.D.  
Director, Division of  
Vaccine Injury Compensation  
Healthcare Systems Bureau  
U.S. Department of Health  
and Human Services  
5600 Fishers Lane  
Parklawn Building, Stop 11C-26  
Rockville, MD 20857

**AUTHORIZED REPRESENTATIVE  
OF THE ATTORNEY GENERAL:**

  
VINCENT J. MATANOSKI  
Acting Deputy Director  
Torts Branch, Civil Division  
U.S. Department of Justice

**COUNSEL OF RECORD FOR  
RESPONDENT:**

  
MARK CURTIS RABY  
Senior Trial Counsel  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Benjamin Franklin Station  
Washington, D.C. 20044-0146  
(202) 616-4111

Dated: